

S.C.R. 37
S.C.R. 92
H.C.R. 82
H.C.R. 83
H.C.R. 105
H.C.R. 110
H.C.R. 118
H.C.R. 122
H.C.R. 153

Signed by Governor
(April 23, 1981)

S.B. 101	Effective immediately
S.B. 123	Effective September 1, 1981
S.B. 185	Effective September 1, 1981
S.B. 484	Effective immediately

S.C.R. 16
S.C.R. 20
S.C.R. 50
S.C.R. 52
S.C.R. 56
S.C.R. 57
S.C.R. 72
S.C.R. 76
S.C.R. 87
H.C.R. 140
H.C.R. 149

Sent to Governor
(April 27, 1981)

S.C.R. 94
S.B. 297
S.B. 308
S.B. 371
S.B. 728
S.B. 749

FIFTY-NINTH DAY
(Tuesday, April 28, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Lord, remind us today that the only thing worse than wrong thinking and wrong doing is not thinking and not doing. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 953 (Amended)
S.B. 811 (Amended)
H.B. 1999
C.S.S.B. 1082 (Read first time)
C.S.S.B. 828 (Read first time)
C.S.S.B. 952 (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

S.C.R. 61
S.B. 819 (Amended)
S.B. 818
S.B. 991
H.B. 448
H.B. 391
H.B. 388
H.B. 197
S.B. 1164
S.B. 703
C.S.S.B. 106 (Read first time)
C.S.S.B. 593 (Read first time)
C.S.H.B. 247 (Read first time)
C.S.S.B. 706 (Read first time)
C.S.S.B. 531 (Read first time)
C.S.S.B. 600 (Read first time)
C.S.S.B. 419 (Read first time)

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 734 (Read first time)

(President Pro Tempore Traeger in Chair)

SENATE BILLS ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1238 by Caperton State Affairs
Relating to the authority of the Texas Department of Corrections to transfer land to the Texas Department of Public Safety.

S.B. 1239 by Ogg Education
Relating to the election of members of the board of trustees of certain independent school districts.

S.B. 1241 by Mengden Intergovernmental Relations
Relating to repeal of the act that authorizes certain cities and counties to issue certificates of obligation.

S.B. 1242 by Blake, Glasgow Intergovernmental Relations
Relating to county road administration.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 113**, To Committee on Education.
- H.B. 152**, To Committee on State Affairs.
- H.B. 296**, To Committee on Education.
- H.B. 416**, To Committee on Intergovernmental Relations.
- H.B. 764**, To Committee on Economic Development.
- H.B. 911**, To Committee on State Affairs.
- H.B. 990**, To Committee on Economic Development.
- H.B. 992**, To Committee on Economic Development.
- H.B. 1210**, To Committee on State Affairs.
- H.B. 1234**, To Committee on Natural Resources.
- H.B. 1407**, To Committee on Natural Resources.
- H.B. 1561**, To Committee on Intergovernmental Relations.
- H.B. 1434**, To Committee on Natural Resources.
- H.B. 1617**, To Committee on Intergovernmental Relations.
- H.B. 1623**, To Committee on State Affairs.
- H.B. 1705**, To Committee on State Affairs.
- H.B. 1914**, To Committee on Economic Development.
- H.B. 1812**, To Committee on Human Resources.
- H.B. 1729**, To Committee on Education.
- H.B. 2156**, To Committee on Economic Development.
- H.B. 2232**, To Committee on Intergovernmental Relations.

(President in Chair)

MESSAGE FROM THE HOUSE

House Chamber
April 28, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 9, Relating to the valuation and depreciation of certain state bank property. (With amendment)

S.B. 424, Relating to permitting the Crippled Children's Division of the State Department of Health to approve qualified dentists to participation in the program. (With amendments)

S.B. 538, Relating to the regulation of pawnbrokers. (With amendment)

S.B. 758, Relating to cleanup of certain abandoned disposal facilities.

H.B. 21, Relating to engaging in organized criminal activity concerning obscenity that includes sexual conduct by a child.

H.B. 228, Relating to the location of meetings of the Metric System Advisory Council.

H.B. 1368, Relating to civil liability for conduct pertaining to the transportation or storage of hazardous materials and to duties of the Railroad Commission of Texas.

H.B. 1399, Relating to the administration of credit unions.

H.B. 1435, Relating to hunting from vehicles, hunting at night, and selling and purchasing birds and animals, and confiscation procedures.

H.B. 1500, Relating to high school equivalency examinations.

H.B. 1565, Relating to student fee advisory committee recommendations to the president of a public institution of higher education.

H.B. 1685, Authorizing the Board of Health to establish in the Texas Department of Health an Epilepsy Program to provide diagnostic, treatment, research and support services to all eligible persons who have epilepsy.

H.B. 1743, Relating to arrests which may be made by a police officer without a warrant.

H.B. 2090, Relating to public utility sales to industrial, pipeline, and similar large volume customers.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 126**.

House Conferees: Semos, Chairman; Jones, Maloney, McFarland, Nabers.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 553

Senator Doggett offered the following resolution:

WHEREAS, On April 2, 1981, the Heritage Society of Austin, Inc., gave its Building Award to Mr. and Mrs. J. Hiram Moore, who through their generosity had the Hirshfeld mansion and cottage, at 303-305 West 9th Street in Austin, restored; and

WHEREAS, In 1848, when he was only 15, Henry Hirshfeld emigrated from Germany to the United States and settled in Austin, where he soon became a highly successful merchant; Mr. Hirshfeld had the cottage constructed in 1873 and the 12-room house in 1885; and

WHEREAS, The Hirshfeld house stayed in the family until 1973, when Leila Hirshfeld Bernheim died; it was then sold to the Heritage Society of Austin with the assistance of Mrs. Bernheim's daughter, Marie Bernheim Hanna; and

WHEREAS, The Texas A&M University Development Foundation soon bought the Hirshfeld house with the philanthropic aid of Mr. and Mrs. J. Hiram Moore, who undertook its restoration; and

WHEREAS, Painstaking research went into meticulously restoring the house to its original condition, without embellishment, so that it would be an accurate reflection of life as it was in Austin in the late 19th century; involved in the project were Chartier Newton, architect, and Bell, Klein, and Hoffman, architects and restoration consultants; Hammer Consulting Engineers and Snowden & Meyer, Inc., were the consulting engineers; and Stein Lumber Company the general contractor; and

WHEREAS, Such restorations of historic edifices add to the aesthetic and cultural world in which we live, and deserve the fullest support of our communities; and

WHEREAS, The re-creation of this beautiful home is a work of brilliant architectural craftsmanship, and Mr. and Mrs. Moore, who have long been beneficent patrons of the arts, were amply deserving of the Heritage Society's Building Award; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature, hereby commend Mr. and Mrs. J. Hiram Moore for the unsparing benefaction that brought about the restoration of the Hirshfeld house and congratulate them on receiving the Building Award given by the Heritage Society of Austin; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for Mr. and Mrs. Moore as an expression of gratitude and highest esteem from the Senate of Texas, and made a part of the Archives of Texas A&M University.

DOGETT
McKNIGHT
CAPERTON

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted.

GUESTS PRESENTED

Senator Doggett escorted Mr. and Mrs. J. Hiram Moore to the President's Rostrum.

The President presented Mr. and Mrs. Moore with an enrolled copy of Senate Resolution 553.

SENATE CONCURRENT RESOLUTION 96

Senator Doggett offered the following resolution:

S.C.R. 96, Declaring April 28, 1981, as Student Government Day, welcoming the students from the Austin Independent School District and the surrounding area who are visiting on this memorable occasion and commending the Austin American-Statesman and the Austin Independent School District for their joint venture in publishing "Governing Texas: An opportunity to Participate".

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
April 28, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE BRANCH PILOT FOR THE PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES:

For a four-year term to expire March 10, 1985:

(effective March 11, 1981)

CAPTAIN WILLIAM C. LIGON of Portland, San Patricio County, is being reappointed.

I ask the advice, consent and confirmation of the Senate with respect to the following appointment to be effective May 1, 1981:

TO BE JUDGE OF THE 104TH JUDICIAL DISTRICT OF TEXAS, TAYLOR COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

BILLY JOHN EDWARDS of Abilene, Taylor County, will be replacing Judge J. Neil Daniel of Abilene, Taylor County, who resigned.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

SENATE BILL 50 WITH HOUSE AMENDMENT

Senator Farabee called S.B. 50 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 - Polk

Amend S.B. 50 on page 2, line 12, by inserting the following between "teacher" and the period: ", and shall require satisfactory performance on a separate examination prescribed by the board as a condition to certification as a superintendent or other administrator".

The amendment was read.

Senator Farabee moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 322 WITH HOUSE AMENDMENTS

Senator Farabee called S.B. 322 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Blythe

Amendment No. 1. Amends S.B. 322 by striking the period after the last sentence in Section 2 and adding the following language:

,with the increases being allocated among the retirees in the same ratio as set forth in Section 1, Subsection (j) of this Act.

Floor Amendment No. 1 - Atkinson

Amend Section 2 of S.B. 322 by striking "\$98,000,000" and substituting in lieu thereof "\$95,000,000".

The amendments were read.

Senator Farabee moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 319 WITH HOUSE AMENDMENT

Senator Short called **S.B. 319** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 - T. Smith

Amend **S.B. 319** on page 2, line 8, after the period by adding subsection (iv) and the inserting the following:

"a dwelling constructed to a building code in one or more modules at a temporary location for the purpose of moving it to another location, and which is inspected by the department or local municipal building officials."

The amendment was read.

Senator Short moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 319** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Short, Chairman; Sarpalius, Travis, Traeger, Glasgow.

BILL AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

H.B. 1228
H.C.R. 155
H.C.R. 157

GUEST PRESENTED

In accordance with the provisions of **S.R. 496**, the President requested Senators Kothmann, Vale and Traeger to escort Mayor-elect of San Antonio, The Honorable Henry Cisneros, to the President's Rostrum.

Mr. Cisneros addressed the Senate.

Mr. Cisneros introduced his wife and daughters to the Senate.

The President presented Mr. Cisneros with an enrolled copy of Senate Resolution 496 and an enrolled copy of Senate Resolution 548, honoring San

Antonio Mayor Lila Cockrell, and requested Mr. Cisneros deliver it to Mrs. Cockrell.

SENATE RULE 103 SUSPENDED

On motion of Senator McKnight and by unanimous consent, Senate Rule 103 was suspended in order that the Subcommittee on Nominations might add the nomination of Jack D. Young, to be Judge of the 287th Judicial District Court, to tomorrow's agenda.

SENATE BILL 421 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 421, Relating to fines for the delivery of a controlled substance in violation of the Texas Controlled Substances Act.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Amend **S.B. 421** by the following:

On line 15, after the word exceed, strike "\$500,000" and add "\$1 million".
On line 24, after the word exceed, strike "\$500,000." and add "\$1 million."
On line 8 of page 2, after the word exceed, strike "\$500,000." and add "\$1 million."

The committee amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 421 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 421** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 270 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 270, Relating to the review of placement by courts of continuing jurisdiction of placement in which authorized agencies are named as managing conservators by the court or in affidavits of relinquishment under Title 2, Family

Code; amending Section 18.01 by amending Subsection (a); amending Section 18.04 by amending Subsection (a), Subsection (b) and Subsection (c); amending Section 18.06 by amending Subsection (3), Subsection (4) and Subsection (5), Family Code, and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 270 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 270 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Harris.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(Senator Parker in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 880 ON SECOND READING

Senator Brooks asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 880, Relating to drug product selection.

There was objection.

Senator Brooks then moved to suspend the regular order of business and take up C.S.S.B. 880 for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Harris.

The bill was read second time.

Senator Andujar offered the following amendment to the bill:

Amend C.S.S.B. 880 by inserting a new Purpose Section as follows and relettering the remaining Sections of 8A in SECTION 1.

"Sec. 8A. (a) It is the intent of the legislature to save consumers money by allowing the substitution of lower priced generically equivalent drug products for certain brand name drug products and for pharmacies and pharmacists to pass on the benefit of the lower costs of the generically equivalent drug product to the purchaser."

The amendment was read.

(President in Chair)

Senator Andujar offered the following substitute for the pending amendment:

Amend C.S.S.B. 880 by inserting a new Purpose Section as follows and relettering the remaining Sections of 8A in SECTION 1.

"Sec. 8A. (a) It is the intent of the legislature to save consumers money by allowing the substitution of lower priced generically equivalent drug products for certain brand name drug products and for pharmacies and pharmacists to pass on the net benefit of the lower costs of the generically equivalent drug product to the purchaser."

The substitute for the pending amendment was read and was adopted.

The pending amendment as substituted was adopted.

Senator Mengden offered the following amendment to the bill:

Amend C.S.S.B. 880 as follows:

(1) by striking the sentence, "If the practitioner's signature does not clearly indicate that the prescription must be dispensed as written, generically equivalent drug selection is permitted", in subsection (f) of quoted Section 8A in Section 1 and substituting the sentence, "If the practitioner's signature does not clearly indicate that a drug selection is permitted, the prescription must be dispensed as written."

(2) by adding the following sentence to the end of subsection (g) of quoted Section 8A in Section 1: "If the practitioner's oral instructions do not indicate that a drug selection is permitted, the prescription must be dispensed as instructed."

The amendment was read.

On motion of Senator Brooks, the amendment was tabled by the following vote: Yeas 26, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Jones, Kothmann, Mauzy, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Andujar, Harris, Leedom, Mengden, Travis.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 880 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 880 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Harris.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 315 ON SECOND READING

On motion of Senator Wilson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 315, Relating to regulation of the practice of medicine; providing penalties.

The bill was read second time.

Senator Wilson offered the following amendment to the bill:

Amend **C.S.S.B. 315** by renumbering Section 5.021 as Section 5.02(c) of the bill.

The amendment was read and was adopted.

Senator Wilson offered the following amendment to the bill:

Amend subsection (i) of Section 5.08 of **C.S.S.B. 315** by substituting the word "section" for the word "Act" wherever it appears in said subsection.

The amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.S.B. 315** as follows:

(1) On page 16, after line 27, by striking Subsection (a) of Section 3.11, and substituting in lieu thereof the following:

"(a) Fees and other funds received by the board under this Act, and held by the board on the effective date of this Act, shall be deposited in the state treasury to the credit of a special fund to be known as the medical registration fund. The funds shall be subject to appropriation and may be used only to administer this Act."

DOGGETT
HOWARD

The amendment was read.

On motion of Senator Wilson, the amendment was tabled by the following vote: Yeas 22, Nays 8.

Yeas: Andujar, Blake, Brown, Glasgow, Harris, Jqnes, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Traeger, Travis, Uribe, Vale, Williams, Wilson.

Nays: Brooks, Caperton, Doggett, Farabee, Howard, Mauzy, Snelson, Truan.

Absent: Parker.

Question - Shall the bill as amended be passed to engrossment?

RECESS

On motion of Senator Brooks the Senate at 12:20 o'clock p.m. took recess until 2:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

COMMITTEE SUBSTITUTE SENATE BILL 315 ON SECOND READING

The Senate resumed consideration of C.S.S.B. 315 on its second reading and passage to engrossment.

Question - Shall the bill as amended be passed to engrossment?

Senator Doggett offered the following amendment to the bill:

Amend C.S.S.B. 315, Section 3.06 by striking subsection (d) and substituting the following on page 11, after line 23:

(d) This act shall be construed to permit a physician to delegate medical acts as provided herein.

(1) Using physicians orders, standing medical orders, standing delegation orders and other orders as defined by the Board of Medical Examiners, a person licensed to practice medicine shall have the authority to delegate to any qualified and properly trained person or persons acting under such physician's supervision any medical act which a reasonable and prudent physician would find is within the scope of sound medical judgment to delegate if, in the opinion of such delegating physician, such act can be properly and safely performed by such person to whom the medical act is delegated and such act is performed in its customary manner, not in violation of any other statute and such person does not hold himself out to the public as being authorized to practice medicine. The delegating physician shall remain responsible for the medical acts of the person performing such delegated medical acts.

(2) The administration or provision of drugs or medications, other than Controlled Substances, may be ordered by the physician through the use of standing medical orders and standing delegation orders; provided such administration or provision complies with rules and regulations of the Board of Pharmacy relating thereto; provided further, however, a qualified and trained person or persons, acting under the supervision of a physician, may be permitted to specify at the time of provision of the drug or medication the inclusion of the date of provision and the patient's name and address. "Administration" means the direct application of a drug or medication by injection, inhalation, ingestion or any other means to the body of a patient. "Provision" means the supplying of one or more unit doses of a drug or medication to a patient. Nothing in this act shall permit the physician or person acting under the supervision of the physician to keep a pharmacy, advertised or otherwise, for the retailing of drugs or medications without complying with applicable pharmacy laws.

(3) Upon a finding that a reasonable and prudent physician would find it is not within the scope of sound medical judgment to delegate a particular medical act or would not be unless certain prerequisites are met, the Board of Medical Examiners may prohibit the delegation of such act or restrict its delegation by requiring (a) special training or qualifications for the person to whom the act is delegated or (b) special supervision by the delegating physician.

(4) A physician may delegate to a public health nurse the identification and treatment of minor health problems routinely discovered in the course of health care services provided by departments of health operated by the State or a political subdivision of this State; provided the delegation is through a standing delegation order developed or approved by the Texas Department of Health. Public health nurse means a registered professional nurse employed by a Department of Health operated by the State or a political subdivision of this State.

The amendment was read.

On motion of Senator Doggett and by unanimous consent, the amendment was withdrawn.

Senator Doggett offered the following amendment to the bill:

Amend C.S.S.B. 315, on page 22 of the printed bill as follows:

- (1) On page 22, line 45, after the word "state" by striking "may" and inserting "shall";
- (2) On page 22, line 54 after the word "abuse" by striking "may" and inserting "shall";
- (3) On page 22, after line 56, by inserting a new Subsection (c) as follows and relettering subsequent subsections accordingly:

(c) If a medical peer review committee or a professional society in this state comprised primarily of physicians takes a disciplinary action against a physician for reasons of the physician's incompetency, the disciplined physician shall report to the board the occurrence of the disciplinary action.

The amendment was read.

(Senator Leedom occupied the Chair pending discussion of the amendment.)

(President in Chair)

On motion of Senator Wilson, the amendment was tabled by the following vote: Yeas 26, Nays 2.

Yeas: Andujar, Blake, Brooks, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Vale, Williams, Wilson.

Nays: Doggett, Mauzy.

Absent: Brown, Truan, Uribe.

Senator Doggett offered the following amendment to the bill:

Amend C.S.S.B. 315, Section 3.06 by striking subsection (d) and substituting the following on page 11, after line 23:

(d) This act shall be construed to permit a physician to delegate medical acts as provided herein.

(1) Using physicians orders, standing medical orders, standing delegation orders and other orders as defined by the Board of Medical Examiners, a person licensed to practice medicine shall have the authority to delegate to any qualified and properly trained person or persons acting under such physician's supervision any medical act which a reasonable and prudent physician would find is within the scope of sound medical judgment to delegate if, in the opinion of such delegating physician, such act can be properly and safely performed by such person to whom the medical act is delegated and such act is performed in its customary manner, not in violation of any other statute and such person does not hold himself out to the public as being authorized to practice medicine. The delegating physician shall remain responsible for the medical acts of the person performing such delegated medical acts.

(2) The administration or provision of drugs or medications, other than Controlled Substances, may be ordered by the physician through the use of standing medical orders and standing delegation orders; provided such administration or provision complies with rules and regulations of the Board of Pharmacy relating thereto; provided further, however, a qualified and trained person or persons, acting under the supervision of a physician, may be permitted to specify at the time of provision of the drug or medication the inclusion of the date of provision and the patient's name and address. "Administration" means the direct application of a drug or medication by injection, inhalation, ingestion or any other means to the body of a patient. "Provision" means the supplying of one or more unit doses of a drug or medication to a patient. Nothing in this act shall permit the physician or person acting under the supervision of the physician to keep a pharmacy, advertised or otherwise, for the retailing of drugs or medications without complying with applicable pharmacy laws.

(3) Upon a finding that a reasonable and prudent physician would find it is not within the scope of sound medical judgment to delegate a particular medical act or would not be unless certain prerequisites are met, the Board of Medical Examiners may prohibit the delegation of such act or restrict its delegation by requiring (a) special training or qualifications for the person to

whom the act is delegated or (b) special supervision by the delegating physician.

(4) A physician may delegate to a public health nurse the identification and treatment of minor health problems routinely discovered in the course of health care services provided by departments of health operated by the State or a political subdivision of this State; provided the delegation is through a standing delegation order developed or approved by the Texas Department of Health. Public health nurse means a registered professional nurse employed by a Department of Health operated by the State or a political subdivision of this State.

The amendment was read.

(Senator Travis in Chair)

Question - Shall the amendment be adopted?

MESSAGE FROM THE HOUSE

House Chamber
April 28, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 345, Relating to the requirement of notice to the juvenile court and prosecuting attorney before a delinquent child may be released on supervision.

H.B. 517, Relating to the appointment of county auditors in certain counties.

H.B. 729, Relating to delivery of a controlled substance to a minor.

H.B. 1351, Relating to the protection of buildings and grounds of public school districts.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 315 ON SECOND READING

The Senate resumed consideration of C.S.S.B. 315 on its second reading and passage to engrossment with an amendment by Senator Doggett pending.

Question - Shall the amendment be adopted?

SENATE PAGES EXCUSED

On motion of Senator Brooks and by unanimous consent, the Senate Pages were excused from their duties for the remainder of the day.

**REQUEST FOR PERMISSION FOR
ADMINISTRATION COMMITTEE TO MEET**

Senator Blake requested permission to allow the Administration Committee to meet while the Senate was in session.

There was objection.

PERMISSION FOR ADMINISTRATION COMMITTEE TO MEET

On motion of Senator Blake and by unanimous consent, the Administration Committee was granted permission to meet while the Senate was in session.

COMMITTEE SUBSTITUTE SENATE BILL 315 ON SECOND READING

The Senate resumed consideration of C.S.S.B. 315 on its second reading and passage to engrossment with an amendment by Senator Doggett pending.

Question - Shall the amendment be adopted?

(Senator Meier occupied the Chair pending discussion of the amendment.)

(President in Chair)

On motion of Senator Wilson, the amendment was tabled by the following vote: Yeas 24, Nays 6.

Yeas: Andujar, Blake, Caperton, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Vale, Williams, Wilson.

Nays: Brooks, Doggett, Farabee, Mauzy, Truan, Uribe.

Absent: Brown.

Question - Shall the bill as amended be passed to engrossment?

RECESS

On motion of Senator Brooks the Senate at 5:41 o'clock p.m. agreed to recess until 9:30 o'clock p.m. today or upon adjournment of the Committee on Redistricting.

AFTER RECESS

The Senate met at 9:50 o'clock p.m. and was called to order by the President.

COMMITTEE SUBSTITUTE SENATE BILL 315 ON SECOND READING

The Senate resumed consideration of C.S.S.B. 315 on its second reading and passage to engrossment.

Question - Shall the bill as amended be passed to engrossment?

Senator Doggett offered the following amendment to the bill:

Amend C.S.S.B. 315, On page 1, after line 21 as follows:

1. Delete subsection (a), (b), (c), and (e) of Section 1.02; and
2. Insert the following subsections as subsections (a), (b), and (c) respectively:
 - (a) The general availability of adequate and affordable health care is a matter of utmost concern to all persons in this state.
 - (b) Because of the rising public demand for quality health care and more health care services by an ever growing population, because of the health care needs of a growing population of elderly persons, because of the need to meet the health care requirements of indigents, migrants, refugees and others in this state, the importance of self-help and self-care systems in health promotion, disease prevention, control on minor illness and injury are recognized. Without self-care and self-help the health care system of this state would be overloaded and the professional time of medical personnel would be consumed without fullest utilization of their special skills. To that end every citizen of this state is urged to take responsibility to learn for himself or herself and to practice the requirements of good health.
 - (c) The importance of medical training and skills and the place of the medical doctor among health care providers should be recognized; and every effort should be made to assure the highest and best utilization of the specialized skills they possess.

The amendment was read.

Senator Traeger offered the following substitute for the pending amendment to the bill:

Amend C.S.S.B. 315 by inserting a new subsection (e) to Section 3.06 to read as follows:

“(e) Nothing in this Act shall be construed to prohibit or discourage any person from providing or seeking advice or information pertaining to that person’s own self-treatment or self-care, nor shall any portion of this act be construed to prohibit the dissemination of information pertaining to self-care. However, this subsection confers no authority to practice medicine.”

The substitute for the pending amendment was read and was adopted.

The pending amendment as substituted was adopted.

Question - Shall the bill as amended be passed to engrossment?

MESSAGE FROM THE HOUSE

House Chamber
April 28, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 730, Relating to offenses and criminal penalties under the Texas Controlled Substances Act.

H.B. 796, Relating to notice and a public meeting about a proposed housing project of a housing authority.

H.B. 912, Relating to appeal from a probation revocation proceeding.

H.B. 1459, Relating to assaults on elderly individuals.

H.B. 2278, Relating to construction of the Human Services Center.

H.B. 213, Relating to the requirement of automatic sprinkling systems in certain buildings.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 315 ON SECOND READING

The Senate resumed consideration of **C.S.S.B. 315** on its second reading and passage to engrossment.

Question - Shall the bill as amended be passed to engrossment?

Senator Wilson offered the following amendment to the bill:

Amend **C.S.S.B. 315** by striking Section 3.05 (a) in its entirety and substituting the following:

Section 3.05. EXAMINATION.

(a) All examinations for license to practice medicine shall be conducted in writing in the English language, and in such manner as to be entirely fair and impartial to all individuals and to every school or system of medicine. All applicants shall be known to the examiners only by numbers, without names, or other method of identification on examination papers by which members of the Board may be able to identify such applicants or examinees, until after the general averages of the examinees' numbers in the class have been determined, and license granted or refused. Examinations shall be conducted on and cover those subjects generally taught by medical schools, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine or doctor of osteopathy conferred by schools or colleges of medicine approved by the Board, and such examinations shall also be conducted on and cover the subject of medical jurisprudence. On satisfactory examination conducted as aforesaid under rules of the Board, applicants shall be granted license to practice medicine. All questions and answers, with the grades attached, shall be preserved in the executive office of the Board or such other repository as the Board by rule may direct for one year. All applicants examined at the same time shall be given identical questions. All certificates shall be attested by the seal of the Board. The Board may in its discretion give the examination for license in two parts.

The amendment was read and was adopted.

Senator Glasgow offered the following amendment to the bill:

Amend **C.S.S.B. 315** by striking Section 3.09 thereof in its entirety and renumbering the remaining sections accordingly.

The amendment was read.

(Senator Snelson in Chair)

Senator Brooks moved to table the amendment.

The motion to table was lost by the following vote: Yeas 7, Nays 21.

Yeas: Brooks, Caperton, Doggett, Farabee, Jones, Mauzy, Truan.

Nays: Andujar, Blake, Brown, Glasgow, Harris, Howard, Kothmann, Leedom, McKnight, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Uribe, Vale, Williams, Wilson.

Absent: Meier, Mengden, Ogg.

Question recurring on the adoption of the amendment, the amendment was adopted.

RECORD OF VOTE

Senator Brooks asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Wilson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

(President in Chair)

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 315 ON THIRD READING

Senator Wilson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 315** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Meier, Mengden, Ogg.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Meier, Mengden, Ogg.

SENATE RULE 103 SUSPENDED

On motion of Senator McKnight and by unanimous consent, Senate Rule 103 was suspended in order that the Subcommittee on Nominations might add the nomination of Billy John Edwards, to be Judge of the 104th Judicial District, to tomorrow's agenda.